



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
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MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: May 7, 2008

SUBJECT: **Agenda Item XVII: Consideration of resolution adding APNs 4383-016-002, 003, 004, 006, 007 and 011 to the District No. 1 Final Engineer's Report and authorizing the use of the Santa Monica Mountains Open Space Preservation District No. 1 funds to acquire said six parcels and APNs 4380-034-004 and 4383-016-002, 003, 004, 006, 007, 009, and 011 all totaling 17.65-acres in Beverly Glen and Benedict Canyons.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing adding APNs 4383-016-002, 003, 004, 006, 007, and 011 to the District No. 1 Final Engineer's Report and authorizing the use of the Santa Monica Mountains Open Space Preservation District No. 1 funds to acquire said six parcels and APNs 4380-034-004 and 4383-016-002, 003, 004, 006, 007, 009, and 011 all totaling 17.65-acres in Beverly Glen and Benedict Canyons.

Background: The subject 17.65-acres were donated to Mountains Restoration Trust (MRT) in the 1990's by the Dutton Trust. The nine parcels straddle the ridgeline between Benedict and Beverly Glen Canyons. Driveway access is from Westwanda Drive via Benedict Canyon Drive. The center of the property includes a house divided into two living quarters. The doner signed an agreement with MRT that the property cannot be developed with more houses. An individual has a life estate right to live in the smaller of the two existing housing quarters. A large amount of useable terrain, available parking, unparalleled ambience and seclusion, along with a house with utilities make this a unique ownership. The property is part of a 1.5-mile long habitat block that must not be developed. The property contains high quality habitat and offers opportunities for trails and connectivity with adjacent Los Angeles City property.

MRT owes approximately \$120,000 in property taxes. MRT is under severe financial hardship and is looking to raise money. The subject property is not in MRT's core mission area. To retain control of the property and to remain solvent,

Agenda Item XVII
Page 2
May 7, 2008

MRT must sell the property to either the current occupant or to an entity such as the MRCA. The protection of the property and potential public access is not at all assured by private ownership. To achieve these assurances, the property should be acquired for a fair amount using Assessment District funds.

The Citizens' Oversight Committee, District No. 1, approved the use of Assessment District No. 1 funds for the acquisition of the nine parcels at a April 29, 2008 meeting. Staff also toured the site on a noticed field trip of the Committee on April 29, 2008.

The brushing obligations on the site, exclusive of the onsite residence, are tied to surrounding homes that have admitted encroachments on the subject properties. In one case there is a lease for the encroached area that pays MRT \$2,000 annually and subsumes the brushing obligations. In the second case, the payments is \$1,000 annually and the requirement to do annual fuel modification.

The price and terms will be discussed in closed session. Over \$3 million remain in the Area B account.